

IN THE UNITED STATES DISTRICT COURT, FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CLERK. 
SO. DIST. OF GA.

MONICA WILSON,

Plaintiff,

v.

INTERNATIONAL LONGSHOREMAN
ASSOCIATION; WILLIE HAYWOOD;
EDDIE MCBRIDE; GEORGIA
STEVEDORE ASSOCIATION, INC.;
AFL-CIO; and INTERNATIONAL
LONGSHOREMEN'S ASSOCIATION
LOCAL NUMBER 1414, SAVANNAH,
GEORGIA;

Defendants.

CASE NO. CV413-277

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 33), to which objections have been filed (Doc. 56). After a careful de novo review of the record in this case, the Court concludes that Plaintiff's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case with one modification: Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** as to all Defendants. The Clerk of Court is **DIRECTED** to close this case.

While the Report and Recommendation makes some reference to Plaintiff's failure to fully exhaust her administrative remedies prior to filing suit (Doc. 33 at 3-

4), the Court understands the Magistrate Judge to recommend dismissal based only on Plaintiff's failure to properly serve Defendants within the 120-day period required under Federal Rule of Civil Procedure 4(m) (id. at 4). However, dismissal under Rule 4(m) for failure to serve process may only be without prejudice. Betty K Agencies, Ltd. v. M/V MONADA, 432 F.3d 1333, 1342 n.5 (11th Cir. 2005). Therefore, the Court adopts the report and recommendation with the modification that Plaintiff's complaint is dismissed without prejudice.

SO ORDERED this 22nd day of October 2014.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA